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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,595	03/29/2004	Martin K. Gustafson	PC-1696	2671
23717 7590 05/01/2008 LAW OFFICES OF BRIAN S STEINBERGER 101 BREVARD AVENUE COCOA, FL 32922				
EXAMINER				
YIP, WINNIE S				
ART UNIT		PAPER NUMBER		
3636				
MAIL DATE		DELIVERY MODE		
05/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,595

Applicant(s)

GUSTAFSON ET AL.

Examiner

Winnie Yip

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 8-11, 21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 8-11, 21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to applicant's amendment filed on February 7, 2008.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

1. The drawings were received on February 7, 2008. These drawings are disapproved because of: the newly added reference characters (i.e., 252, 260) in Fig. 6 are not clear. New corrected drawings in compliance with 37 CFR 1.121(d) is required in this application. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

2. Claims 1 and 23 are objected to because of the following informalities:
- a. In claims 1 and 23, line 7, the term "the enclosure" lacks a proper antecedent basis. It should read "an enclosure" or "a sealed enclosure" (to consist with claim 5).
Appropriate correction is required.
 - b. In claims 1 and 23, the term "UV (ultraviolet)" is improper form. It should read "ultraviolet". The claimed element should not be enclosed within parentheses so as to avoid a confusion of a cancellation.
 - c. In claim 11, line 3, "the zipper" should read "the zipper fastener".

Claim Rejections - 35 USC § 112

3. Claims 1-3, 5, 8-11, 21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 23, the phrase “dimensions large enough” (lines 7-8) was held to accurately determine the boundaries of the enclosure involved since a size of occupants could not be accurately determined. In re Gaubert, 187 USPQ 664 (CCPA 1975).

In claim 5, the language “a dome shaped walls attached to a floor portion, which forms a sealed enclosure” is confusing of whether or not these elements: “dome shaped wall” and “floor portion” and “a sealed enclosure” are the same elements as the “walls”, “a floor”, and “the enclosure” of claim 1 as previously defined. A proper antecedent basis and a consistency are required for each term. Appropriated correction is required.

Claim Rejections - 35 USC § 103

4. Claims, 1, 5, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotliar (US Patent No. 6,508,850 B1) in view of Knuth et al. (US Patent No. 5,997,619) and further in view of Eller et al. (US Patent No. 5,004,483).

Kotliar teaches a tent enclosure (20) comprising a flexible and foldable sheet material (21) being supported to a portable frame (22), the flexible and foldable sheet material (21) having walls, a floor, and a roof being sealed to form the enclosure having an dimension capably for sealing at least two occupants therein, wherein the sheet material is impervious to biological and chemical airborne agents, and a first multi-stages air filter system directly connected to the

enclosure, the first multi-stage air filter system (27) including a first blower (17) for blowing air into the enclosure and for generating a positive pressure inside the enclosure, the first multi-stage air filter system (27) including a first multi-stage air filter (19) which includes multi-filters filtering the supplied air of airborne particles and bacteria for absorbing odors entering the tent and providing sterile air for breathing inside the tent, and the filter also being a HEPA filter that removing 99.7% of particles smaller than 0.2 microns in size for capturing radioactive sized particles from entering the enclosure (see col. 2, lines 13-22), and a second air filter system (29) directly connected to opposite side of the enclosure for filtering out the contaminated air through multi filters to prevent the contaminated air from being exhausted out of the enclosure and for removing water vapor and carbon dioxide exiting the enclosure. Although **Kotliar** does not define the first and second multi-stage filter systems each comprising a plurality of filters as claimed. **Knuth et al.** teaches a multi-stage filter system comprising an activated carbon filter (76), a HEPA filter (78) and an ultraviolet filter (50) to purify the contaminated air against biological and chemical airborne agents as claimed. The multi-stage air filter arrangement provided for removal of various particles and contaminants from air that passed through the filter. It would have been obvious to one ordinary skill in the filtration art at the time the invention was made to modify the enclosure of **Kotliar** having the multi-stage filter system being provided with combined filters including choice of an activated carbon filter, a HEPA filter, an ultraviolet filter as taught by **Knuth** to remove of various odors, particles, and contaminants from air through the filter system from and into the enclosure to against biological and chemical airborne agents and nuclear fallout.

Further, although **Kotliar** does not define the second filter system (29 or 34) also being connected to a blower as the first filter system, **Kotliar** discloses the two air filter systems (27/29; or 35/34) can be reversibly used such that the first multi-stage air filter system (27) can be provide to as a multi-stage air filter system (35) having a blower forming a negative pressure inside of the enclosure and having multi-stage filters filtering out contaminated air from exiting outside of the enclosure. And, **Eller et al.** teach an environmental protection for an enclosure comprising two multi-stage air filter systems both having a blower (64, 46) for providing a positive/negative pressure into/form exit the enclosure (20), and each having multi-filters (60, 62; 44) respectively for filtering contaminated air from entering/exit out of the enclosure. Therefore, it would have been obvious to one ordinary skill in that art at the time the invention was made to modify the tent enclosure of **Kotliar** having both air filter systems comprising multi-stage air filters as modified by **Knuth**, and each air filter system including a blower as taught by **Eller et al.** for more efficiently increasing air flow in and out of the enclosure.

Regarding claim 10, although **Kotliar**, as modified, does not explicitly define the enclosure having a particular size for holding at least two occupants, an enclosure such as a tent includes a size of approximately six feet long being capable to hold two or more occupants of an adult are known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tent of **Kotliar** as combined with **Knuth** and **Eller et al.** to have a claimed size of approximately six feet long by nine feet wide and by seven feet high as claimed to accommodate at least two occupants therein as desired since it appears that the claimed invention would perform equally well with the enclosure being constructed to

have the desirable size as claimed to achieve the desirable result for various enclosure applications.

Regard to claim 5, Kotliar shows the sheet material having a dome shaped wall (21) attached to a floor portion of the floor.

Regard to claim 8, Kotliar discloses the enclosure may include additional air escape openings (such as release valves) for venting excess air pressure from the enclosure.

Regard to claim 11, Kotliar teaches the tent including a watertight and airtight zipper fastener (26 or 33) along an opening on at least one outer wall for opening and sealing the tent.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotliar (US Patent No. 6,508,850 B1) in view of Knuth et al. (US Patent No. 5,997,619) as applied to claim 1 above, and further in view of Griesenbeck (US Patent No. 4,852,598).

The claims are considered to be met by Kotliar and Knuth et al. as explained and applied above rejections except that Kotliar or Knuth et al. do not expressly define the dome shaped enclosure having the collapsible frame being formed by bendable poles as claimed. Griesenbeck teaches an enclosure (10), as old and known, comprising a collapsible frame having two bendable poles (38) formed by a plurality of telescoping rods (50) being removably coupled together and connected to a flexible tent cover by passing through retaining sleeve portions on the cover. The poles being crossed each other to form a dome shaped walls attached to a floor portion to form an enclosure therein. It would have been obvious to one ordinary skill in the art to modify the enclosure of Kotliar combined with Knuth et al. having the collapsible frame being

formed by two telescoping cross poles coupled by sleeves on the cover as taught by Griesenbeck, as assembly method in the art, to provide an enclosure being easily assembled and erected.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over as Kotliar '850 in view of Knuth et al. '619 and Eller et al. '972, applied to claim 1 above, and further in view of Searle (US Patent NO. 5,185,015).

The claim is considered to meet by Kotliar combined with Knuth et al. and Eller et al. as explained and applied above rejections except that Kotliar, as modified, do not define the multi-stage air filter system further including an additional filter that is electrically charged for filtering out additional particles from the entering the enclosure. Searle teaches a multi-stage air filter including an ultraviolet filter (60) and an electrostatic filter (16). The multi-stage air filter arrangement provides for removal of various particles and contaminants from air that is passed through the filter unit. Any type and combination of filters that would filter out undesirable contaminants, including biological; chemical, and radioactive agents, would be within the level of sound engineering judgment to one having ordinary skill in the filtration art. Therefore, it would have been obvious to one of ordinary skill in the filtration art at the time the invention was made to modify the enclosure of Kotliar combined with Knuth et al. and Eller et al. further includes a multi-stage air filter having multi-stage air filters such as HEPA filter and having additional an electrostatic filter, such as taught by Searle, in order to provides for removal of various particles and contaminants from air that is passed through the filter unit.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over as Kotliar (US Patent No. 6,508,850 B1) in view of Knuth et al. (US Patent No. 5,997,619) and Eller et al. (US Patent No. 5,090,972, and further in view of Searle (US Patent NO. 5,185,015) for the same reasons set forth above rejection.

Response to Arguments

8. Applicant's arguments filed February 7, 2008 with respect to claims under U.S.C. 102/103, and specifically to the feature of both first and second multi-stage air filter systems having a blower has been considered and are persuasive. Therefore, the previous rejection has been withdrawn. However, upon further consideration, a new ground of rejections is set forth above.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Winnie Yip/
Primary Examiner,
Art Unit 3636

wsy
April 25, 2008